

MEMORANDUM

TO: All Parties to: Boston Gas Company, D.T.E. 03-40

FROM: Marcella Hickey, Hearing Officer

DATE: October 9, 2003

RE: Motions for Confidential Treatment

CC: Mary Cottrell, Secretary

On September 29, 2003, Boston Gas Company ("Company") filed with the Department of Telecommunications and Energy ("Department"), pursuant to G.L. c. 25, § 5D, ten motions for protective treatment of information contained in Company's responses to information requests and record requests in docket D.T.E. 03-40. Each motion was unopposed.

I find (1) that the information for which protection is sought constitutes confidential, competitively sensitive or other proprietary information, and (2) that the Company has overcome the G.L. c. 66, § 10, statutory presumption that all such information is public information by proving the need for its non-disclosure. Even where a party proves such need, the Department may protect only so much of that information as is necessary to meet the established need and may limit the term or length of time such protection will be in effect. See G.L. c. 25, § 5D. Accordingly, I grant these motions, with the following sunset provisions:

A one-year sunset provision will apply, as requested by the Company, to exhibits: AG-1-8 (internal audits); AG-1-80 (pending warranty claims); AG-5-2, AG-5-6, AG-5-6 (Supp.),¹ AG-1-95 (outside consultant costs); AG-6-5, RR-AG-22 (special contract price terms); AG-10-1, AG-10-1 (Supp.), AG-10-2 (Supp.2), AG-10-8, AG-10-17, AG-10-18, AG-10-19, AG-10-20, AG-10-21, AG-10-25 (employee compensation study information); AG-11-33, AG-11-41, AG-11-51, AG-17-46 (capacity management contract information); AG-1-99 (Supp.), AG-19-12, AG-23-33, RR-AG-23 (special contract information); RR-DTE-28 (Gas Resources Institute manufacturers' data).

The Company did not specify any sunset provision for confidential treatment of the information related to bid terms contained in responses to RR-MOC-1 and RR-AG-86 (free

¹ This ruling on confidential treatment also applies to the supplement to exhibit AG-5-6 that the Company filed on September 29, 2003.

equipment contractor bid information). The Department will apply a three-year sunset on the confidential treatment of this information. At the expiration of the three years, the burden shall be on the proponent that additional time is necessary to protect the confidential nature of the information.

A sunset provision will not apply to exhibits AG-7-7, AG-7-45, and AG-12-10 (productivity study data), which the Company requested be afforded protective treatment indefinitely.

Under the provision of 220 C.M.R. § 1.06(6)(d)(3), any aggrieved party may appeal this Ruling to the Commission in writing by October 14, 2003, at 5:00 p.m. A copy of this Ruling must accompany any appeal. Any response to any appeal must be filed in writing by October 17, 2003, at 5:00 p.m.